

### REMARKS

Claims 10 and 15 have been cancelled and incorporated into claim 1. Upon entry of this amendment, claims 1 – 9, 11 – 14 and 16 – 34 will be active. Undersigned counsel thanks Examiner Patterson for a telephone interview on June 28, 2005, summarized below.

As now presented, the claims are directed to a multi-layer film comprising at least three layers, an outer layer (A) having an elasticity modulus greater than 250 megapascals (MPa), an inner layer (I) and, disposed in between, a middle layer (M) having an elasticity modulus of less than or equal to 250 Mpa. A person of skill in the art would not have expected to obtain a laminate of polymers having the selected elastic modulus values, yet have no yield point.

Claims 1-9, 14 and 20-33 are rejected under 35 USC 103(b) over Heilmann et al. in view of Collette et al. Claims 10-13 and 15-17 are rejected over Heilmann et al. and Collette et al. in view of Fujii et al. and Claim 34 is rejected over Heilmann and Collette in view of Andersson et al.

Heilmann et al. is absolutely silent with regard to yield point of the film. And it does not disclose any data about the elasticity modulus of the layers. Thus Heilmann does not suggest anything about selecting the modulus of elasticity of the outer layer (A) and the middle layer (M), as claimed, so the improvements of the present multi-layer films cannot be achieved with a multi-layer film according the Heilmann

The Examiner asserts that Collette et al. discloses propylene without a yield point (page 1, line 34), so it would have been obvious to use it in a multi-layer film if lack of a yield point were important.

Heilmann has been shown, by way of the comparative examples in Table 3, to not suggest a multi-layer film that displays no measurable yield point according to DIN EN ISO 527-1 to -3 1996. The comparative examples show that blends comprising polypropylene having no yield *can* lead to a multi-layer film having a yield point. Comparative examples 9 – 11, show that a polymer having no yield does not inevitably give a multi-layer film having no yield.

The present examples also show that a multi-layer film having no yield can also be produced by the use of polypropylene having a yield (see Table 3, Example 13).

Surprisingly, the present invention provides *multi-layer* films having no yield at all, which is not something suggested by a combination of Heilmann and Collette, together or separately. There are no hints that a film according to the middle layer having modulus of

elasticity of 250 MPa or less can be used in order to achieve a superior multi-layer film. Also, it is not clear whether or not the composition of Collette can be used to produce a middle layer having the modulus of elasticity now claimed. Collette is silent with regard to that issue.

The Collette patent is not concerned with a medical bag. There are not hints with regard to the improvements achievable by the use of these polymers. As mentioned on page 1, lines 24-25, the object of Collette was to provide a polypropylene with elastic properties that can be produced as a direct reaction product using a practical process. No further improvements are mentioned. There is no suggestion that the elastic propylene polymers are superior over others, and no suggestion to use the Collette polymers in the Heilmann multi-layer film. Consequently, knowledge of the Collette document would not suggest how to construct a multi-layer film having no yield in the structure as claimed.

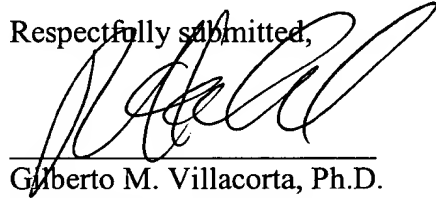
Regarding the Fuji document, all polymer materials disclosed in it have a specific elastic modulus but no suggestion for a person skilled in the art on how to develop a multi-layer film having no yield.

In view of the above, Applicants respectfully submit that a *prima facie* case of obviousness has not been met with respect to the invention as presently claimed. Accordingly, Applicants request respectfully that the rejections of Claims 1-34 under 35 U.S.C. § 103(a) be withdrawn.

**AUTHORIZATION**

Applicants believe there are no more additional fees due in connection with this filing outside of the Notice of Appeal fee and the 3-month extension fee. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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Enclosures: Notice of Appeal  
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